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8 **THE UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
10 **FRESNO**

10 **UNITED STATES OF AMERICA,** ) CASE NO. 1:05-CV-00594 LJO-SMS  
11 )  
12 Plaintiff, ) **DECLARATION OF STEVEN**  
13 v. ) **HEMPFLING IN SUPPORT OF**  
14 **STEVEN HEMPFLING,** ) **DEFENDANT HEMPFLING'S**  
15 ) **RESPONSE TO CONTEMPT**  
16 Defendant. ) **MOTION; REQUEST FOR ORDER TO**  
17 ) **SHOW CAUSE RE: RULE 11**  
18 ) **VIOLATIONS AND REQUEST FOR**  
19 ) **EVIDENTIARY HEARING**  
20 ) **Date: June 11, 2008**  
21 ) **Time: 8:30 a.m.**  
22 ) **Request For Telephonic Appearance**  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )

19 Steven Hempfling declares the following under penalty of perjury:

- 20 1. I am the defendant in the above entitled matter.
- 21 2. My letter of March 27, 2008 addressed to the United States, contained all
- 22 information I, or FES, has concerning any purchasers of the items that are the subject of
- 23 the Court's injunction order. No other records exist or were ever maintained by myself or
- 24 Free Enterprise Society. Moreover, over 95% of those documents were purchased at
- 25 seminars or conventions by unknown individuals. As to the members that purchased such
- 26 documents through the mail, Hempfling again reiterates, that neither he, nor FES kept any
- 27 records of any such purchases to the extent said purchases occurred.
- 28 3. The information about Barbara Cantrell was supplied by the government

1 itself in this case. Should the government have additional information it should supply it  
2 to the court forthwith. Hempfling will rely upon that information and act accordingly  
3 consistent with this Court's Order.

4 4. Hempfling relies upon his absolute Fifth Amendment Protections, as he has  
5 from the beginning of this action, which he has never waived and does not do so now.  
6 Thereunder, Hempfling has the right to remain silent as to any potentially incriminating  
7 information, to the extent any information would exist and which he could tender, if such  
8 information existed, which Hempfling categorically denies exists, though he has no  
9 obligation to do so consistent with his Fifth Amendment Protections.

10 5. Additionally, Hempfling has been identified by the IRS, the Department of  
11 Justice and other government agencies as an alleged "illegal tax protestor" or, as currently  
12 phrased, an alleged "tax defier". Thus, Hempfling holds a very real and appreciable fear  
13 of criminal prosecution by the government, under, but not limited to, 28 U.S.C. Section  
14 7203, 7201, 7206, conspiracy charges under title 18, mail fraud and countless other  
15 statutes left only open to the government's imagination.

16 6. Hempfling assures this court that all persons, of whom Hempfling is aware,  
17 who purchased the items that are the subject of the Court's injunction order were notified  
18 of the injunction and provided to the government, to the extent any list ever existed, which  
19 Hempfling again informs the government that no such list exists as one is not  
20 maintained.

21 7. Neither Hempfling nor FES can produce that which does not exist,  
22 regardless of the government's urging to that impossibility.

23 Executed on May 23, 2008 at Fresno, California.

24 /s/ Steven Hempfling

CERTIFICATE OF SERVICE

I hereby certify that on 05-23-2008 I electronically filed the foregoing **DECLARATION OF STEVEN HEMPFLING IN SUPPORT OF DEFENDANT HEMPFLING'S RESPONSE TO CONTEMPT MOTION; REQUEST FOR ORDER TO SHOW CAUSE RE: RULE 11 VIOLATIONS AND REQUEST FOR EVIDENTIARY HEARING** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

ROBERT D. METCALFE  
Trial Attorney, Tax Division  
U.S. Department of Justice  
Post Office Box 7238  
Washington, D.C. 20044

/s/William McPike  
William McPike, Attorney for Defendant